

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 2951.03US02

Katrina Dewar

Confirmation No.: 3786

Application No.: 09/878,245

Examiner: Lut Wong

Filed: June 12, 2001

Group Art Unit: 2129

For: COMPUTER-IMPLEMENTED SYSTEM FOR HUMAN RESOURCES
MANAGEMENT

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR § 1.56, and in addition to information disclosed in Applicant's Information Disclosure Statement filed May 18, 2006, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached Form PTO-1449. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

The listing of a reference herein is not an admission that the reference is prior art or is material to patentability. 37 CFR § 1.97(h). Applicant reserves the right to establish the patentability of any claimed invention over any of the information provided herewith, and/or prove that this information may not be prior art, and/or prove that this information may not be enabling for any aspect of the information provided herewith.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action and after the filing of a Request for Continued Examination under 37 CFR § 1.114. It is hereby requested that the Information Disclosure Statement be considered in accordance with the payment in the amount of \$180.00 for the petition fee under 37 CFR § 1.17(p) that is submitted herewith. Electronic payment is submitted by credit card to cover the fee. Please credit or debit Deposit Account No. 16-0631 as needed to ensure consideration of the disclosed information.

The Examiner's attention is directed to the applications, if any, to which priority is claimed, as well as to any continuing applications which claim priority to the above-referenced application, and to applications, if any, that may be related to a similar technology as the above-referenced application and which are also assigned to the assignee of the above-referenced application or which are owned by the same inventor[s] named in the above-referenced application (collectively, the "Related applications"). The Related applications are identified on the attached form PTO-1449 by serial number, publication number and/or patent number.

The prosecution history for any and all of these Related applications may include information material to patentability of the above-referenced application including Office Actions, Responses, Office Communications or Notices of Allowance, all of which are readily accessible to the Examiner via PAIR/PALM. To promote consistency and full disclosure during the prosecution of the above-referenced application together with the prosecution of any Related applications and to assist the Examiner in complying with the obligations of MPEP 2001.06(b), the Examiner is respectfully requested to review the prosecution history of each Related application. This request for review should be considered ongoing throughout the prosecution of

the above-referenced application with an updated review via PAIR/PALM of the prosecution histories of any Related application being made prior to issuance of any Notice of Allowance for the above-referenced application.

The identification of any of the Related applications for purposes of this Information Disclosure Statement should not be construed as a waiver of secrecy, if applicable, as to such applications now or upon issuance of the above-referenced application as a patent. For purposes of the Related applications, it should be noted that at least some Related applications for the above-referenced application are not yet published or are otherwise the subject of a secrecy order or a request for non-publication and these Related applications are being submitted under a separate Information Disclosure Statement for which confidentiality will be asserted.

The Examiner's attention is directed to the following references that are listed on the attached form PTO-1449:

- "All About ApView" video (Length 17:13), Aspen Tree Software, Inc., March 7, 1997, video file "TRAINING.avi"
- Aspen Tree Software video (Length 13:44), Aspen Tree Software, Inc., March 10, 1997, video file "ATS.avi"
- "Assess v.2: Technical Manual," Bigby Havis & Associates, Inc., 106 pages, December 2003, describing products from 1970-2003.
- Bartholomew, D.J., "Note on the Measurement and Predication of Labour Turnover," Journal of the Royal Statistical Society. Series A (General), Vol. 122, No. 2, 1959, pp. 232-239, 8 pages.
- "Companies: Registration," www.epredix.com, 8 pages, archived June 2000.

- “Example Campus Manager Process,” Bigby Havis & Associates, Inc., 3 pages, March 18, 1999.
- “Get eCertified as a Java Programmer,” <http://www.tekmetrics.com>, 1 page, November 16, 2000.
- “Getting Started: 1-2-3 Assess,” TekMetrics, Inc., www.tekmetrics.com, 3 pages, 1998.
- “Profitability is Built Upon Teamwork” Decision Point Data (predecessor company of Unicru, Inc.) mailed to prospective customers, 6 pages 1997.
- Scarborough, “Decision Point Systems,” Presentation to potential customer, 38 pages, ten or fewer copies left with potential customer, Wilsonville, Oregon, before June 2000.
- Springboard video (Length 9:44), Aspen Tree Software, Inc. April 30, 1998, video file “Coopers_Net.avi”
- “The Science Behind Our Products-Profiles International, Inc.,” Profiles International, Inc., website archived May 26, 2000, 2 pages.
- Clainos, “Tools & Technology,” International Mass Retail Association, 1999 Store Operations & Human Resources Conference, Decision Point Data, Inc. (predecessor company of Unicru, Inc.), 28 pages, February 2, 1999.
- Kaatz, James Bryan, “City manager Tenure Stability: A Predictive Model Based on Perceived Council Conflict, Leadership, Effectiveness and Conflict Resolution Ability,” Northern Illinois University, 1996, Abstract only, 2 pages.

While neither the Applicant nor the Applicant's attorneys have ever seen or reviewed those references these references were all cited during the prosecution of U.S. Pat. App. Ser. No. 09/921,993, for which at some point in the prosecution of that case and its continuing applications and the pending case and its continuing applications claims were copied for the purpose of preserving rights to provoke a potential interference, although it is Applicant's attorneys understanding that no formal request for interference was ever filed. Despite a diligent search, Applicant has been unable to locate copies of these references. The search included use of a search firm to obtain copies of the references from the physical USPTO files, but the search firm indicated that copies of the above references were not present in those files. The Examiner is requested to review the file history of the '993 Application, and related applications, for copies of the above references. Applicant considers its duty of disclosure with regard to the above references met by this statement and its diligent, though unsuccessful, attempt to obtain copies of the references.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'BRAD PEDERSEN', followed by a long horizontal line extending to the right.

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Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 16-0631.